IN RE: PETITION FOR ADMINISTRATIVE

ZONING VARIANCE

NW/S Loreley Beach Rd., 450 ft.

(+/-) E of c/l Allender Road

6021 Loreley Beach Road

11th Election District

5th Councilmanic District

James R. Rorke

Petitioner

* BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 95-190-A

...

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James R. Rorke for that property known as 6021 Loreley Beach Road in the Bird River Woods subdivision of Baltimore County. As filed, the Petitioner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure (garage) to be located in the front yard, in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

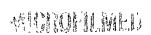
12/23/90/ Mr. Horah It is to be noted that this is a waterfront property which abuts Bird River. Owing to the unique characteristics of waterfront property, it has consistently been the opinion of this office that the front yard of such property is that portion of the lawn between the dwelling and the water. The issue makes no practical difference in this case, in that the Petitioner has located a garage between the house and the street and proposes a pool between the house and the water. Thus, one of their accessory structures is in the rear yard. Whichever the case, the variance should be granted based upon the configuration of the lot and site constraints imposed thereby.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23 day of December, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk



t t until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:mmn

Sale William

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 22, 1994

Mr. James R. Rorke 6021 Loreley Beach Road White Marsh, Maryland 21162

RE: Petition for Administrative Zoning Variance

Case No. 95-190-A

Property: 6021 Loreley Beach Road

Dear Mr. Rorke:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

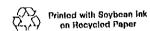
Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

. S:mmn

LES:mmn encl.







Petition for Administrative Variance

TOYLAND TO	or the property loc	ated at	6021	Loreley	Bea	ch R	d
		•				tly zoned	
The understaned	I be filed with the Office of Zoni , legal owner(s) of the property si a part hereof, hereby petition for a STRUCTURE CARRAGE	tuate in Baltimor	e County a	ind which is desc	cribed in the	description of the control of the co	and plat attached Rmit AN OF THE
20012ED							
to the roproperty my "from built on	perty in question is a war Commissioner of Baltimo and to be my "back yard" of Therefore, the side of at yard." However, a small the waterfront side of my the waterfront side of my	bre County is because the my property nall building property.	s considere is a gentle closested of This strucks	ering the side arage constrate to the water cinder block acture was be	e of my pucted on front is be contain uilt befor	roperty cl this side c eing consi ing a foote e the gara	losest of my idered er is ge, so
i, or was mad be bou Further road, it have no	le when the garage was be more, I think that if I pu will block the front of m privacy. If I am allowed k good, and it will allow	y home,. it v I to put up a	vill look . pool on	ridiculous, and the waterfrom	and it wi ont side (il allow me of my prop	e to perty, it, _{are the}
Contract house		•	Legal Ow	ner(a):	0	0	
Type or Print Name)		· · · · · ·	(Vpe or	Print Name)	R.	Rosh	rke Le
Bignature			Signature	<i>VIII.</i>		V	
Address			(Type or I	Print Name)			
City	State	Zipcode	Signature)	***	· ··	
Attorney for Petitioner:			/nz	as facely	. De	al PS	335-74
(Type or Print Name)			Address	ite Tha	sh	That state	Phone No.
Signature		· <u></u>	Name, Ac	idress and phone nun	nber of raprese	ntative to be con	tacted.
Addrese	Phone No.	·	Name		<u></u>		

Address

Zipcode

Zoning Commissioner of Baltimore County



ESTIMATED POSTING DATE:

State

MICROFILMED

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

testify thereto in the event that a public hearing	is scheduled in th	e tuture with regard the	1 1	αI
That the Affiant(s) does/do presently reside at	6021	LORELEY	Bezch	Kd
		: 04	MI	
	White	2 MZYSH	1019	710 Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardehip or	wing are the facts	upon which I/we base t	he request for an Adi	ninistrative
variance at the docto accreto, (indicate incomp of	principal difficulty/			
<u> </u>				
				···-
				-
				····
•				
		·		
			 	
That Affiant(s) acknowledge(s) that if a protes may be required to provide additional information of the country of the countr	TIMORE, to wit:	(signature) (type or print		•
the Affiants(s) herein, personally known or satisthat the matters and facts hereinabove set forth	ifactorily identific are true and corr	ed to me as such Affiant rect to the best of his/he	tt(s), and made oath it tr/their knowledge and	n due form of law I belief.
AS WITNESS my hand and Notarial Seal.		12 Onto	1	_
1/22/94	ر_	robert BUN	medery s	L _
date	1	NOTARY PUPLIC	V	

My Commission Expires:

ROBERT J HARDESTY MY COMMISSION EXPIRES 1-1-97

EXAMPLE 3 - Zoning Description

- 3 copies

95-190-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

zoning description for 6021 Lo	reley Bezeh Rd
Election District Counc	(address)
Beginning at a point on the $\frac{N_0 + h}{\text{(north, south, east or}}$	side of horetey
Bezel Rd which is (number of street on which property fronts)	30 RW
wide at a distance of (number of feet) (north, so	of the or west)
centerline of the nearest improved intersecting st	
which is 30 RW wi (number of feet of right-of-way width)	·
Block, Section # in t	he subdivision of
Bird River Wood 5 as re	ecorded in Baltimore County Plat
Book # 1105 Page 433, Folio # . 88	, containing
20,000 uft /5 acres. (square feet and acres)	

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Vincing is a series.

18)

Plat Requirements

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" \times 36". Plats must be trimmed or folded to a neat 8-1/2" \times 11" size. It shall contain all the information as set forth on the checklist as follows:

- 1. ____ NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN "PLAN TO ACCOMPANYHEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
- 2. SCALE OF DRAWING: 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
- 3. OUTLINE OF PROPERTY: Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
- 4. VICINITY MAP: A vicinity map must be included on all plats with the scale of '

 1"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A

 SEPARATE SHEET; IT MUST BE ON THE SAME SHEET AS THE SITE PLAT!
- 5. PRIOR ZONING HEARINGS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat for any prior zoning hearings.
- 6. OWNERSHIP: Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references.
- 7. LOCATION: Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description on Page 5.
- 8. STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
- 9. <u>BUILDINGS:</u> Use, dimensions, height and location of all existing buildings and improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
- 10. STREET SETBACKS: If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
- 11. <u>UTILITIES:</u> Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference Room 206, County Office Building.)
- 12. <u>FEATURES:</u> Location of streams, storm water management systems drainage, and pipe systems on or within 50 feet of the property.
- 13. B.O.C.A.: Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
- 14. SPECIAL REQUIREMENTS: For Special Hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required.

All of the above information MUST be complete and accurate or the petition CANNOT be accepted for filing! and another appointment will have to be made!

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-190-A Townen, Maryland

District //th	Date of Posting 13/4/29
Posted for: Variance	
Petitioner: Tames R.	Borke Lorely Beach Rd. NWS
Location of property: 607/	Lorely Beach Rd. NWS
	· ************************************
Location of Signs: Recently	renduly an property being zoned
Remarks: No Sole	45eds
Posted by	Date of return: 14/1/24
Number of Signature	
21 Wall Com V	Land Service Control of the Control



Baltimore Co. T. Zoning Administration & Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

CRITICAL AREA "

fqieoon

Account: R-001-6150

Date 11-23-94

JAMES PORKE

03A03#0267MICHRC

\$85.00

BA_COO2:32PM11-23-94 Please Make Checks Payable To: Baltimore County

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper	advertising	:			
Item No.:/	87				
Petitioner:_	JAMES	ROPKE			
Location:	6021	Coreley	Beach Po.	White MARSH, Md. 2	-116C
PLEASE FORWAR		ļ.			
NAME:					
ADDRESS:	<u> </u>	tanE	· · · · · · · · · · · · · · · · · · ·		
<u> </u>		35-7/	/ /		•
PHONE NUMBER	:3	35-766	· /		

AJ:ggs

MICROFILMEL

(Revised 04/09/93)



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

December 21, 1994

Mr. James R. Rorke 6021 Loreley Beach Road White Marsh, Maryland 21162

> RE: Item No: 187

> > Case No.: 95-95-190A

Petitioner: James R. Rorke

Dear Mr. Rorke:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on November 23, 1994.

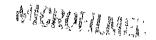
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i. e. zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

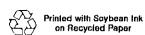
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely, Richard City W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw Attachment(s)





BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 12, 1994 Zoning Administration and Development Management

FROM Bobert W. Bowling, P.E., Chief Developers Engineering Section

RE:

Zoning Advisory Committee Meeting for December 12, 1994 Items (187,) 188, and 189

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

1 24 13 Wall

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

-DATE: 12/05/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Euilding
Towson, MD 21204
NAIL STOP-1105

RE: Froperty Owner SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 5, 1994

Itom No.: BEE BELOW

Zoning Agendar:

Contlehens

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 184, 187 AND 188.

DECETVED DEC 7 1994 ZADM

REVIEWER: LT. ROBERT P. SALERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cca File-







O. James Lighthizer Secretary Hal Kassoff Administrator

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

Baltimore County
Item No.: $\frac{1}{87}$ (TCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
 Engineering Access Permits

BS/

MICROFILMEL

My telephone number is _

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Zoning Administration and Development Management

DATE: November 30, 1994

FROM:

Pat Keller, Director

Office of Planning and Zoning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 178, 179, 180, 181, 182, 183, 185, (187,) 188 and 189

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

December 2, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO:

James R. Rorke

6021 Loreley Beach Road White Marsh, Maryland 21162

Re:

CASE NUMBER: 95-190-A (Item 187)

6021 Loreley Beach Road

NW/S Loreley Beach Road, 450'+/- E of c/l Allender Road

11th Election District - 5th Councilmanic

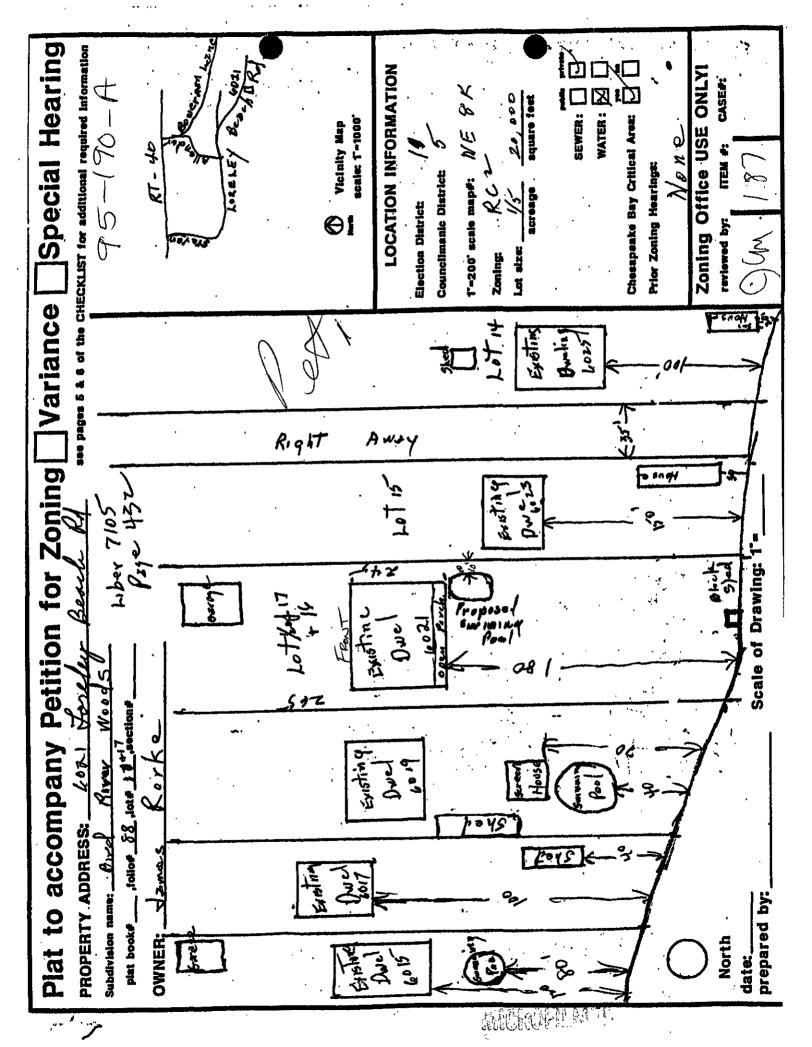
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before December 4, 1994. The closing date (December 19, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

THE POSTING PERIOD, THE PLEASE UNDERSTAND THAT ON THE DATE AFTER PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director



TO HEAPING OFFICER:

PETITIONER 15 PRESENTING

THE ENULOSED PHOTOS TO

ESTABLISH THE STREET SIDE

OF HIS LOT AS THE FRONT.

De May





MICROFILMEL



LOCATION

BIRD RIVER VICINITY MICROFILMED

